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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,276	12/13/2001	Richard Soltys	120109.406	6054
500	7590	03/25/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/017,276

Applicant(s)

SOLTYS ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26, 28-37 and 41-49 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-7.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

The response to restriction requirement and preliminary amendment filed on January 15, 2004 (paper No. 9) has been received and considered. Currently, applicant elects Group II, species 1; claims 32-37 and 41-45, with claims 1-31 and 46-49 are generic. In general, claims 1-37 and 41-49 are examined in this office action, claims 50-56 have been canceled, claims 38-40 have been withdrawn from consideration, and claims 1-49 are now pending in the application.

### ***Warning***

1. Applicant is advised that should claim 47 be found allowable, claim 48 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Objections***

1. Claims 1, 5-7, 13-15, 18, 23, 27, 32, 36-37, 43-45 are objected to because of the following informalities:

a) In claim 1, line 4; claim 5, line 1; claim 6, line 1; claim 7, line 4; the claimed limitation “playing cards” should be corrected to “the playing cards”.

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- b) In claim 5, lines 1-2; claim 6, line 2; the claimed limitation “having respective playing card values” should be corrected to “having markings corresponding to respective ones of the playing card values”.
- c) In claim 6, line 1, the claimed limitation “distributing” should be corrected to “printing”.
- d) In claim 13, line 2, the claimed limitation “having markings” should be corrected to “having the markings”.
- e) In claim 13, line 2 and line 5, the claimed limitation “respective” should be corrected to “the respective”.
- f) In claim 13, line 4, the claimed limitation “a portion” should be corrected to “the portion”.
- g) In claim 14, line 4, the claimed limitation “playing card” should be corrected to “one of the playing card”.
- h) In claim 14, lines 5-6, the claimed limitation “playing card values” should be corrected to “the playing card values”.
- i) In claim 15, line 4, the claimed limitation “the card receiver” should be corrected to “a card receiver”.
- j) In claim 15, line 6, the claimed limitation “a number” should be corrected to “the number”.
- k) In claim 18, line 3, the claimed limitation “a playing card” should be corrected to “the playing card”.

- l) In claim 18, line 4, the claimed limitation “print data” should be corrected to “the print data”.
- m) In claim 23, line 2; claim 24, line 2; the claimed limitation “a playing card” should be corrected to “the playing card”.
- n) In claim 23, line 2; claim 30, line 2; claim 31, line 2; the claimed limitation “playing card values” should be corrected to “the playing card values”.
- o) In claim 27, line 3, the claimed limitation “the card shoe” should be corrected to “a card shoe”.
- p) In claim 27, line 6, the claimed limitation “threshold value” should be corrected to “the threshold value”.
- q) In claim 36, line 3; claim 37, line 3; the claimed limitation “playing card receiver” should be corrected to “the card receiver”.
- r) In claim 43, line 3; claim 44, line 4; the claimed limitation “the value of chips” should be corrected to “values of chips”.
- s) In claim 44, line 3, the claimed limitation “a gaming table” should be corrected to “the gaming table”.
- t) In claim 45, line 3, the claimed limitation “hand of cards” should be corrected to “hand of the playing cards”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 15, 32-37, and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 8, line 2, the claimed limitation “includes” does not seem to make a complete sentence. What does the playing card sequence include?

b) In claim 15, lines 3 and 5, the claimed limitations “positioned” and “coupled” are ambiguous. It is not clear to what device the print head is positioned? And to what device the print head controller is coupled?

c) Claim 32, lines 3 and 5; claim 36, line 2; claim 37, line 2; and claim 44, lines 5-6 are similarly rejected as explained in claim 15 above.

d) Claims 33-35 are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-26 and 28-37, and 41-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamle (US Patent No. 5,199,710).

a. As per claim 1, Lamle discloses a method of distributing playing cards comprising generating a pseudo-random playing card sequence and printing the playing cards having markings according to the pseudo-random sequence (col. 2, lines 1-10). Lamle does not explicitly disclose printing the playing cards in an order matching. However, Lamle discloses printing the playing cards corresponding to the successively generating signals representing indicia to be printed (col. 2, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to generate printing signals in an order matching in order to control the printer of Lamle to print indicia in a selected order.

b. As per claim 2, Lamle discloses executing the random number generation algorithm on a processor (col. 3, lines 15-20).

c. As per claim 3-4, Lamle discloses removing an ordered stack of the playing cards one by one from a card shoe (col. 3, lines 8-9; and col. 2, lines 19-21).

d. As per claim 5-6, Lamle discloses printing playing cards on opposite faces of the card stock (col. 3, lines 52-56). Further, printing playing cards in a selected orientation would have been obvious design choice.

e. As per claim 7-10, refer to discussion in claim 1 above.

f. As per claim 11, Lamle discloses activating portions of the playing cards (col. 3, lines 23-31).

g. As per claim 12, refer to discussion in claim 1 above. Further, Lamle discloses generating and printing successively sets of playing card value (col. 3, lines 13-31).

h. As per claim 13, Lamle discloses distributing the playing cards (col. 2, lines 9-10).

i. As per claim 14, refer to discussion in claim 1 above.

j. As per claim 15, Lamle discloses a printer for printing playing cards (col. 3, lines 53-56).

Further, including a print head and a print head controller in a printer would have been well known to a person of ordinary skill in the art at the time the invention was made.

k. As per claim 16, refer to discussion in claim 1 above.

l. As per claim 17, connecting a printer to a host network computer to communicate data between the computers would have been well known to a person of ordinary skill in the art at the time the invention was made.

m. As per claim 18, Lamle discloses generating print data and transmitting print data to the printer (col. 3, lines 13-20; col. 2, lines 1-10; and col. 3, lines 35-39).

n. As per claim 19, refer to discussion in claim 1 above.

o. As per claim 20, dealing playing cards according to a pseudo-random sequence would have been well known to a person of ordinary skill in the art at the time the invention was made.

p. As per claim 21-22, refer to discussion in claims 5-6 above.

q. As per claim 23-24, Lamle discloses printing the number of playing cards according to a predetermined number of cards (col. 3, lines 20-23). Further, selecting the predetermined number of cards for printing that is less than 52 would have been an obvious design choice.

r. As per claim 25, refer to discussion in claim 1 above.



s. As per claim 26 and 28, storing the printed playing cards in a card shoe and printing a rank and a suit on the playing card would have been well known to a person of ordinary skill in the art at the time the invention was made.

t. As per claim 29, refer to discussion in claim 12 above.

u. As per claim 30-31, Lamle discloses including playing card values corresponding to a deck of cards (col. 1, lines 52-53; and col. 3, lines 20-23). Further, including 52 cards in a deck would have been well known.

v. As per claim 32-33, refer to discussion in claims 2 and 15 above.

w. As per claim 34-35, Lamle discloses providing different pseudo-random sequence (col. 3, lines 13-30 and 35-37). Further, coupling the printer to a remote processor would have been well known.

x. As per claim 36-37, reading the card markings would have been well known.

y. As per claim 41, refer to discussion in claims 1, 32 and 35 above.

z. As per claim 42-43, Lamle discloses a chip tray and a betting station (Fig. 1; and col. 2, lines 66-68; col. 3, lines 1-2). Further, tracking wagers and value of chips in the chip tray on a gaming table would have been well known.

a.1 As per claim 44, refer to discussion in claims 42-43 above.

b.1 as per claim 45, reading markings on the discarded cards would have been well known.

c.1 As per claim 46-49, refer to discussion in claims 1, 5, and 12 above.

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*Allowable Subject Matter*

6. Claim 27 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:


Prior arts of record does not disclose a method for generating a playing card deck for a card game set forth in claim 25 in which the printed playing cards are stored in a card shoe, and further comprises determining when the number of the printed playing cards in a card shoe falls below a threshold value, and printing markings on an additional number of playing cards in response to the number of printed playing cards in the card shoe falling below the threshold value.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn  
Date: March 19, 2004

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**